

DIST/OFFICE	DOCKET		FILING DATE			J	N/S	O	R	R 23	DEMAND		JUDGE NUMBER	JURY DEM.	DOCKET	
	YR.	NUMBER	MO.	DAY	YEAR						\$	30			OTHER	YR.
1085/4	76	0135	3	30	76	4	385	2	22		Costs	8509	P D		76	0135-B

PLAINTIFFS

HOME INSURANCE COMPANY,
a corporation

DEFENDANTS

INTERNATIONAL HARVESTER CO.,
INC., a foreign corporation

CAUSE

28 USC 1332, 1441-51. Plaintiff, a New York corporation with its principal place of business in New York, brought subrogation "Manufacturers Product Liability" action in state court against defendant, a Delaware corporation with its principal place of business in Illinois. Plaintiff alleges defective battery cable in tractor manufactured by defendant caused the tractor to burn. Plaintiff seeks \$30,067.37 plus costs and interest. ~~Attorneys~~ removed.

Fred C. Cornish
202 Denver Building
Tulsa, Oklahoma 74119
584-3391

Richard T. Sonberg
Gene C. Buzzard
Sonberg and Waddel
907 Philtower Building
Tulsa, Oklahoma 74103
583-5985

☐ CHECK
HERE
IF CASE WAS
FILED IN
FORMA
PAUPERIS

FILING FEES PAID

DATE	RECEIPT NUMBER	C.D. NUMBER

STATISTICAL CARDS

CARD	DATE MAILED
JS-5	4-1-76
JS-6	2-1-78

DATE	NR.	PROCEEDINGS
<u>1976</u>		
		w/JURY DEMAND
3-30	1.	Petition for removal, filed, from Dist. Court of Tulsa Co., OK. ph
3-30	2.	Bond on removal, filed. ph
3-30	3.	Notice of removal, filed. ph
4-6	4.	Proof of service by Deft., filed. b
4-6	5.	Certificate of Dist. Ct. Clk., filed. b
4-26	6.	Deft's Answer, and Motion to Dismiss, filed. t
5-3	7	Brief in Support of Mot. to Dismiss, filed. t
5-3	MO	It is ordered by the Court that Pltf. is granted 10 days from this date to respond to Deft's Mot. to Dismiss. (AEB-J) t cps. mld.
5-12	8	Pltf.'s Amended-Petition, filed. w/consent of deft. t JURY TRIAL DEMAND.
5-26	9	Deft.'s answer to amended petition, filed. s
9-14	MO	The Court has for consideration the defendant's Mot. to Dismiss, and having perused the file finds that plaintiff, has filed, with the consent of the deft., an amended complaint, thus making it appear that said Mot. to Dismiss is now moot. It is, therefore, ordered that defendant's Mot. to Dismiss is overruled as being moot. s (AEB-J) cps. mld.
10-18	MO	Parties are directed to hold PT conf. on or before 11-29-76 & file PT Order on or before 12-6-76. (AEB-J) k cps by cert ml
12-7	10.	Pre-Trial Order, filed. s (AEB-J) cps. mld.
1-20-77	MO:	Case set for jury trial on 2-22-77, at 10:00 A.M. (AEB-J) b nts by cert ml w/affid.
2-15	11.	Deft's mot. for S/J and brief in support, filed. s
2-15	MO	It is ordered by the Court that the Pltf. file a responsive brf. within 10 days to deft's mot. for S/J. s (AEB-J) cps. mld.
2-25	12	Pltf's appl. for enlarg. of time to respond to deft. motion for summary judgment. fld 0 to J. ho
2-25	13	Order, fld. granting pltf. enlarge. of time to respond to deft's mot. for summary judg. (AEB-J) cps mld. ho
3-14	14	Pltf brief in response to deft. mot for S/J. fld. ho
3-21	15	Deft's reply brief in support of mot. for S/J, filed. k
5-11	MO:	Case referred to Magistrate Robert S. Rizley for Findings and Recommendations on all motions. (AEB-J) njb
5-27	MO	Case set for hearing on Defts. mot. for S/J, before Mag. on 6-10-77 at 2:30 P.M. (RSR-MAG) not. mld. ho
6-1	MO	Upon request of the parties, hrg. set for 6-10-77 at 2:30 is passed until 6-24-77 at 9:30 am. (RSR-Mag) k
6-8	MO	Case set for hrg. before Mag. on deft's motion for S/J on 6-24-77 at 9:30 a.m. (RSR-Mag) k ntc by KT at 9:30 a.m.
6-15	MO	Hrg. before Mag. set for 6-24-77/on deft's mot. for S/J stricken and reset at 3:30 p.m. (RSR-Mag) k ntc by KT
6-24	Min	Case called for hrg. on deft's mot. for S/J. Parties represented. Mot. taken under advisement. Mag. to prepare findings and recommendations. (RSR-Mag) k
9-13	MO	It is recommended by the Mag. that deft's mot. for S/J be overruled & pltf. counsel is directed to prepare F&R of the Mag. w/in 10 days. (RSR-Mag) k cps by KT
9-23	16.	Findings & Recommendations of Magistrate, filed. (RSR-Mag) b
10-11	17	Order, filed, that deft's mot. for S/J is overruled. (AEB-J) k cps mld

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. <u>76-C-135-B</u>
Home Insurance Co.		International Harvester Co.	PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
11-18	MO:	Case is set for jury trial on 1-9-78, at 9:30 A.M. (AEB-J)b nts cert w/affid	
12-30	18	Pltf. list of witnesses. fld. ho	
12-30	19	Pltf. suggested Voir Dire. fld. ho	
12-30	20	Pltf. requested instructions. fld. ho	
12-30	21	Affid. of Fred C. Cornish. fld. ho	
<u>1978</u>			
1-6	22	Deft's exhibit affidavit, filed.k	
1-6	23	Deft's requested instructions, filed.k	
1-9		Ret. of USM service of sub., fld. Served Elmer Ray Robinson on 1-5-78 in Pawnee, OK; Freddie Robinson on 1-5-78 in Pawnee, OK; Arthur Robinson on 1-5-78 in Ralston, OK; Gerald L. Smith on 1-5-78 in Tulsa OK; Earl Crews on 1-3-78 in Tulsa, OK; & Mack Spry, Jr. on 1-3-78 in Tulsa, OK. (USM \$33.88) ho	
1-9		Case called for jury trial. Parties present & announce ready. Jury selected & sworn. Jurors & counsel to call cod-a-phone each day for date to report back. (AEB-J)b <i>(possibly, 11th)</i>	
1-12	MO:	Trial will begin in this case on Tuesday, 1-17-78, at 10:00 A.M. (AEB-J)b nts by phone	
1-12	24	Pltf. additional requested instructions. fld. ho	
1-17	MO:	Jury trial to be set before Magistrate Robert S. Rizley, upon agreement of parties, for Thurs., 1/19/78, at 10 a.m. (AEB-J)rm-parties & jurors notified	
1-24	Jury Trial	Jury Trial held Jan. 19, 20, 23 & 24, 1978. Pltf. rep. by Fred Cornish. Deft. rep. by Richard Sonberg. Parties announce ready. Jury empaneled and admonished. Deft. makes mot. in limine in re money paid to Pltf. re damages to dozer. Mot. sustained. Parties present case in chief w/testimony of witnesses. Exhibits admitted. (EXHIBITS IN BOX IN EXHIBIT ROOM) Gerald Smith signed his deposition in Open Court. Depo. signed, deponent sworn, & depo. fld. in Open Court. Deft. moves for mot. for directed verdict. Court denies. Deft. moves to w/draw Deft.'s Exh. 6A. Court grants. Pltf. applies to Court to use Pltf.'s requested instruction No. 5, re circumstantial evidence. Deft. objects. Court denies. Deft. renews mot. for directed verdict. Court overrules. Closing arguments made. Court instructs the jury. Bailiff sworn. Jury retires to deliberate returning with a verdict for the Deft. Foreman was Charles Phillip Brannen. (Robert S. Rizley, U.S. Magistrate) (Linda Walker, Reporter)v	
1-24	Verdict	Verdict filed in Open Court finding for the Deft. Phillip Brannen, Foreman. v	
1-20	Depo.	Depo. of Gerald Lynn Smith taken before Glen Dorrough, CSR, on 12-21-77, in Tulsa, filed in Open Court. v	
1-24	25.	Judgment on Jury Verdict finding for the Deft. and against the Pltf. on the Pltf. complaint, filed and entered. (JCS-CC)v -cps. mld.	
2-3	26	Deft. mot. to tax bill of costs in the amt. of \$606.80. Hrg. before the Clk. set for 2-8-78 at 9:30 a.m. fld. ho	
2-8		Cost hrg. passed to 2-15-78 at 10:00a.m. parties notified by Deft. atty. (JCS-Clk) ho	
3-7	27	Bill of costs fld. & taxed in favor of Deft. in amt. of \$462.00. (JCS-Clk)ho <i>q/m</i>	
6-2-78	28	Release & satisfaction of judgment. fld. ho <i>re: costs</i>	
<u>1980</u>			
8-6	--	DEPOSITION of Gerald Lynn Smith returned to pltf. counsel. hm	

DC-111A (Rev. 1/75)

PLAINTIFF		DEFENDANT	DOCKET NO. _____
			PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	

DOCKET NO. _____

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DATE _____

NR.

PROCEEDINGS